Remarks/Arguments

Claims 3, 10-15, 18-40, 42, 44-47 and 51-68 are now pending in this application. In the January 7, 2005 office action, claims 3, 10-15, 18-40, 42, 44-47, and 51-64 were rejected under 35 U.S.C. §103 (a) as being obvious over US 2002/0002552 A1 to Schultz et al. (hereinafter "*Schultz*") in view of "CellPoint and Webraska Join Forces for New, Live Navigation Services Based on GSM Positioning of Cellular Phones," Business Wire, June 29, 2000 (hereinafter "*CellPoint*"), and further in view of US 2002/0087408 A1 to Burnett (hereinafter "*Burnett*"). Claim 67 was rejected under 35 U.S.C. § 103(a) as being obvious over *Schultz* in view of *CellPoint*, in view of *Burnett*, and further in view of US 2002/00688585 A1 to Chan et al. (hereinafter "*Chan*"). Claim 68 was rejected under 35 U.S.C. § 103(a) as being obvious over *Schultz* in view of *CellPoint*, in view of *Burnett*, and further in view of *Chan*.

Independent Claim 15

Claim 15 was rejected under 35 U.S.C. § 103(a) as being obvious over *Schultz* in view of *CellPoint* and *Burnett*. The applicant has amended independent claim 15 to more clearly reflect one aspect of the present invention. The applicant respectfully submits that the cited combination fails to teach, suggest, or describe each recitation of amended claim 15. In particular, the combination does not describe forwarding "the retrieved one or more advertiser entries from the first subset for presentation based at least in part on a precise distance between the user's location determined from the user measured location information and each advertiser determined from the advertiser measured location information of the selected one or more advertiser entries," retrieving "one or more advertiser entries from the second subset of the plurality of advertiser entries based at least in part on the user selected advertiser category identifier or the user selected advertiser subcategory identifier," and forwarding "the retrieved one or more advertiser entries from the second subset for presentation separately from those of the first subset according to estimated distance between the user's location determined from the user measured location information and each advertiser determined from the advertiser designated area information of the selected one or more advertiser entries" as recited by claim 15.

Schultz describes performing a single search for businesses based on user-input criteria and returning the results in a single list, sorted according to the user's specified criteria. The results may be sorted according to proximity to the user. Page 4 of the January 7, 2005 Office Action states, "Schultz fails to expressly disclose a second subset of sorted advertiser entries, wherein each advertiser entry of the second subset of advertiser entries lacks advertiser measured location information." The Office Action then suggests that this recitation would be obvious since *Schultz* teaches sorting results and including or excluding additional advertising information with the results. The applicant respectfully submits that one skilled in the art would not have been motivated to modify the teachings of *Schultz* to include multiple subsets of search results corresponding to precise distance relationships from measured location information and estimated distance relationships from designated area information.

The embodiment recited by claim 15 searches advertiser entries with measured location information according to user-input category identifiers and also searches entries with designated area information rather than measured location information according to the same category identifiers. The results of the two searches are then presented separately to the user. Each subset of advertisers, those with measured location information and those with designated area information, is sorted according to the user's preference, i.e., alphabetically. So, the embodiment of claim 15 searches two separate subsets, sorts each, and forwards each subset for presentation to the user. The separate actions based on measured location information and designated area information presents an additional recitation not described or suggested by *Schultz*, which provides a great benefit over the *Schultz* invention. *Schultz* only describes a single search, sort, and present operation based on a user's search request. There is no suggestion within the reference that it would be desirable to perform multiple searches, sort each, and forward the results of each for separate presentation based on a single search request. In fact, to modify the *Schultz* teachings to incorporate these multiple operations would be changing the principle of operation of the *Schultz* invention. *CellPoint* and *Burnett* also fail to teach, suggest, or describe searching multiple subsets of advertiser entries, sorting them separately, and forwarding the sorted results for separate presentation. Accordingly, for at least these reasons, independent claim 15 is allowable over the cited art.

Independent Claim 26

Claim 26 was rejected under 35 U.S.C. § 103(a) as being obvious over *Schultz* in view of *CellPoint* and *Burnett*. The applicant has amended claim 26 to more clearly depict aspects of the present invention. The applicant respectfully submits that the cited combination fails to teach, suggest, or describe each recitation of amended independent claim 26. In particular, the combination does not teach "forwarding the retrieved one or more advertiser entries from the second subset of advertiser entries for presentation based at least in part on the user measured location information and the advertiser measured location information of the selected one or more advertiser entries," and "forwarding the retrieved one or more advertiser entries from the third subset of advertiser entries for presentation separately from the second subset" as recited by amendment claim 26. As discussed above with respect to independent claim 15, the cited art fails to teach or suggest multiple subsets of advertiser entries wherein at least one subset includes advertiser measured location information and at least another lacks advertiser measured location information. For the reasons discussed above, independent claim 26 is allowable over the cited art.

Independent Claim 40

Claim 40 was rejected under 35 U.S.C. § 103(a) as being obvious over *Schultz* in view of *CellPoint* and *Burnett*. The applicant respectfully submits that the cited combination fails to teach, suggest, or describe each recitation of independent claim 40. In particular, the combination does not describe a "yellow page database including a first set of advertiser entries and a second set of advertiser entries, the first set of advertiser entries including advertiser measured location information, the second set of advertiser entries lacking advertiser measured location information" or "forwarding a list of advertiser information for presentation from the first set of advertiser entries including advertiser measured location information prior to forwarding a list of advertiser information for presentation from the second set of advertiser entries lacking advertiser measured location information" as recited by claim 40. As discussed above with respect to independent claim 15, the cited combination fails to teach a database

including two sets of advertiser entries, one with advertiser measured location information and the second without advertiser measured location information. Accordingly, the cited art does not teach forwarding a list of advertiser information for presentation with measured location information prior to forwarding a list of advertiser information for presentation without measured location information. As discussed above, there is no motivation for modifying the teachings of *Schultz* to incorporate these recitations. Consequently, the applicant submits that independent claim 40 is allowable over the cited art.

Independent Claim 42

Claim 42 was rejected under 35 U.S.C. § 103(a) as being obvious over *Schultz* in view of *CellPoint* and *Burnett*. The applicant has amended independent claim 42 to more clearly reflect one aspect of the present invention. The applicant respectfully submits that the cited combination fails to teach, suggest, or describe each recitation of amended independent claim 42. In particular, the combination does not describe "wherein the confirmation query . . . provides the user with selection options for presenting distance information as absolute distance, shortest travel distance, distance in time when driving, distance in time when bicycling, and distance in time when walking" as recited by claim 42. *Schultz* describes returning search results of businesses that are "in closest proximity to the location data." See *Schultz*, Para [0042]. However, *Schultz*, *CellPoint*, and *Burnett* each fail to describe sending a user a confirmation query that allows the user the options of presenting the distance information in a myriad of useful formats as is recited in claim 42.

Additionally, the cited art fails to suggest or describe, "operating a yellow pages service, the yellow pages service including a first advertiser's information and a second advertiser's information, the first advertiser's information including measured location information, the second advertiser's information lacking measured location information" and "forwarding the retrieved one or more advertiser's information for presentation in a manner that the first advertiser's information is displayed prior to the second advertiser's information" as recited by claim 42. For at least the same reasons as discussed above with respect to independent claim 15,

and because the cited art fails to suggest or describe the distance selection options included with a confirmation query, independent claim 42 is allowable over the cited art.

Independent Claim 44

Claim 44 was rejected under 35 U.S.C. § 103(a) as being obvious over *Schultz* in view of *CellPoint* and *Burnett*. The applicant respectfully submits that the cited combination fails to teach, suggest, or describe each recitation of amended independent claim 44. In particular, the combination does not teach "means for storing advertiser identifiers in at least each advertiser entry of the third subset of the plurality of advertiser entries, the advertiser identifiers in the third subset lacks advertiser measured location information," "means for forwarding the retrieved one or more advertiser entries of the second subset of advertiser entries for presentation based at least in part on the user measured location information and the advertiser measured location information of the selected one or more advertiser entries of the second subset," and "means for forwarding the retrieved one or more advertiser entries of the third subset of advertiser entries for presentation separately from the second subset" as recited by claim 44. For at least the same reasons as discussed above with respect to independent claim 15, independent claim 44 is allowable over the cited art.

Independent Claim 51

Claim 51 was rejected under 35 U.S.C. § 103(a) as being obvious over *Schultz* in view of *CellPoint* and *Burnett*. The applicant respectfully submits that the cited combination fails to teach, suggest, or describe each recitation of amended independent claim 51. In particular, the combination does not teach storing "advertiser identifiers in at least each advertiser entry of the third subset of the plurality of advertiser entries, the advertiser identifiers in the third subset lacks advertiser measured location information" as recited by claim 51. For at least the same reasons as discussed above with respect to independent claim 15, independent claim 51 is allowable over the cited art.

Independent Claim 62

Claim 62 was rejected under 35 U.S.C. § 103(a) as being obvious over *Schultz* in view of *CellPoint*. The cited combination fails to teach, suggest, or describe each recitation of independent claim 62. In particular, the combination does not teach a processor configured to "determine a location relationship between the user and each advertiser associated with each retrieved advertiser entry from the first subset of advertiser entries using the user measured location information and the advertiser measured location information and sort retrieved advertiser entries based on this location relationship" and "if the user indicates a desire to retrieve advertiser entries from the second subset of advertiser entries, determine a location relationship between the user and each advertiser associated with each retrieved advertiser entry from the second subset of advertiser entries using the user measured location information and general designated area information and sort retrieved advertiser entries based on this location relationship" as recited by claim 62.

The applicants submit that none of the cited references suggest searching for advertiser entries in two different manners for a single search. First, the advertiser entries with measured location information are retrieved according to the user-defined criteria and sorted according to the relationship of each advertiser measured location information with the user measured location information. Next, the advertiser entries with only general designated area information are retrieved according to the same user-defined criteria and similarly sorted according to the estimated relationship of each advertiser's general designated area information to the user's measured location information. This second subset of advertiser entries is presented to the user after the first subset of sorted entries. So, the user may scan the first subset for known or trusted advertisers that are close to his location and if none are found, she may then scan the second subset for known or trusted names. This differs greatly from sorting all retrieved entries together in one list according to one type of location information, as is taught by the cited art. For at least these reasons, and those discussed above with respect to independent claim 15, independent claim 62 is allowable over the cited art.

Dependent Claims 3, 10-14, 18-25, 27-39, 45-47, 52-61, and 63-68

Because the prior art of record fails to teach, suggest, or describe the recitations of claims 3, 10-14, 18-25, 27-39, 45-47, 52-61, and 63-66 and because claims 3, 10-14, 18-25, 27-39, 45-47, 52-61, and 63-68 depend from allowable independent claims 15, 26, 44, 51 and 62, dependent claims 3, 10-14, 18-25, 27-39, 45-47, 52-61, and 63-68 are allowable over the cited art.

Conclusion

In view of the foregoing amendment and remarks, the applicant respectfully submits that the present application is in condition for allowance. Reconsideration and reexamination of the application and allowance of the claims at an early date is solicited.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 13-2725. If the Examiner has any questions or comments concerning this matter, the Examiner is invited to contact the applicant's undersigned attorney at the number below.

Respectfully submitted,

MERCHANT & GOULD

Date: April 5, 2005

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